

POLITICAL POWER NO LONGER CAN SAVE ROGUE LEADERS FROM ESCAPING JUSTICE

M Cherif Bassiouni M Cherif Bassiouni is a law professor at DePaul University and is president of the school's International Human Rights Law Institute He was chairman of the United Nations Commission to Investigate War Crimes in the Former Yugoslavia. Chicago Tribune; Chicago, Ill. [Chicago, Ill]03 June 1999: 23.

Since Nuremberg and Tokyo, progress toward international criminal justice has been tragically slow. Since the end of World War II there have been some 250 conflicts in the world, producing an estimated 70 million casualties on the low side and 170 million on the high side. In almost all of these cases, the perpetrators, particularly senior leaders, have escaped accountability and benefited from impunity.

That situation started to change in the 1990s.

In 1992, the United Nations Security Council established the Commission of Experts to investigate war crimes in the former Yugoslavia. The evidence it gathered brought about the establishment of the International Criminal Tribunal for the Former Yugoslavia.

The tribunal has so far indicted 84 people²⁵ are on trial and two have been convicted. Two major indicted figures remain fugitives, Radovan Karadzic and Ratko Mladic, respectively the former president of the rump state of Srpska in Bosnia and its military commander.

Many in the international community argue that this record is insufficient. But that was until May 27, when prosecutor Louise Arbour announced the indictment of Slobodan Milosevic, president of the Yugoslav Federation of Serbia and Montenegro. The announcement gave the tribunal the moral standing and stature that sets aside any question of its independence and commitment to justice.

Milosevic should have been indicted in 1994, but at that time there was no NATO willingness to use force in the former Yugoslavia, making Milosevic indispensable to a negotiated peace settlement.

Many have speculated that Milosevic received assurances of impunity for his war crimes between 1991 and 1994. Many also believe these assurances included Karadzic and Mladic and possibly others. But assurances, if they were made, had to be predicated on Milosevic's compliance with the Dayton accords and that he refrain from committing additional similar offenses.

This did not happen, as is obvious by the ethnic cleansing that occurred in Kosovo, an exact replica of what had occurred in Bosnia.

This time the world could not claim ignorance or surprise.

News of ethnic cleansing crimes in Kosovo continues to filter out as hapless refugees reveal tales of horror they and other Kosovars have suffered at the hands of Serb military, paramilitary and police forces.

The few supporters of Milosevic in Russia, Greece and elsewhere feel he is indispensable to peace. Those following his career and misdeeds know he is far from being an indispensable party to peace and that he should have been forced out of his quasi-dictatorship of the Republic of Yugoslavia long ago.

The decision by the criminal tribunal's prosecutor to indict Milosevic for war crimes, not only on the basis of command responsibility but for presumably ordering specific crimes to be committed within the context of ethnic cleansing, was a vindication of justice over realpolitik.

NATO and others can pursue a political settlement through whoever wants to be a go between with Milosevic. Ultimately, the Security Council will have to adopt a resolution embodying a political settlement and that does not require his participation.

Milosevic's indictment also brings closer his political demise in the Republic of Yugoslavia. He will have to face the consequences of his criminal acts, first as a fugitive and ultimately in the box of the accused. No one can give him immunity or amnesty; the die is cast. The world now has confirmation that leaders who commit crimes, like Milosevic and Chile's Augusto Pinochet, can no longer escape accountability for their crimes.

This indictment is a powerful message of justice to a world that has all too frequently seen so little of it.

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